



General Assembly

January Session, 2005

Raised Bill No. 1181

LCO No. 3968

03968_____GL_

Referred to Committee on General Law

Introduced by:
(GL)

AN ACT CONCERNING THE POSTING OF PRICES ON RETAIL END CAPS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 21a-79 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) For the purposes of this section (1) "consumer commodity" and
4 "unit of a consumer commodity" have the same meaning as in section
5 21a-73, except that consumer commodity does not include alcoholic
6 liquor, as defined in subdivision (3) of section 30-1, or a carbonated
7 soft drink container; (2) "carbonated soft drink container" means an
8 individual, separate, sealed glass, metal or plastic bottle, can, jar or
9 carton containing a carbonated liquid soft drink sold separately or in
10 packages of not more than twenty-four individual containers; (3)
11 "universal product coding" means any system of coding that entails
12 electronic pricing; (4) an electronic shelf labeling system is an
13 electronic system that utilizes an electronic device attached to the shelf
14 or at any other point of sale, immediately below or above the item, that
15 conspicuously and clearly displays to the consumer the unit price and
16 the price of the consumer commodity. Such electronic shelf labeling

17 system reads the exact same data as the electronic cash register
18 scanning system; and (5) an electronic pricing system is a system that
19 utilizes the universal product coding bar code by means of a scanner in
20 combination with the cash register to record and total a customer's
21 purchases.

22 (b) (1) (A) Any person, firm, partnership, association or corporation
23 that utilizes universal product coding in totaling a retail customer's
24 purchases shall mark or cause to be marked each consumer
25 commodity that bears a Universal Product Code with its retail price.

26 (B) Any person, firm, partnership, association or corporation that
27 utilizes an electronic pricing system in totaling a retail consumer's
28 purchases shall provide each consumer with an item-by-item digital
29 display, plainly visible to the consumer as each universal pricing code
30 is scanned, of the price of each consumer commodity or carbonated
31 soft drink container, or both, selected for purchase by such consumer
32 prior to accepting payment from such consumer for such commodity
33 or container. The provisions of this subparagraph do not apply to any
34 person, firm, partnership, association or corporation operating in a
35 retail sales area of not more than ten thousand square feet.

36 (2) The provisions of subparagraph (A) of subdivision (1) of this
37 subsection shall not apply if: (A) The Commissioner of Consumer
38 Protection, by regulation, allows for the utilization of electronic shelf
39 labeling systems; (B) a retailer is granted approval to utilize an
40 electronic shelf labeling system by the commissioner; (C) the retailer
41 has demonstrated to the satisfaction of the commissioner that such
42 electronic shelf labeling system is supported by an electronic pricing
43 system that utilizes universal product coding in totaling a retail
44 customer's purchases; and (D) the retailer has received approval for
45 such an electronic pricing system by the commissioner.

46 (3) The provisions of subparagraph (A) of subdivision (1) of this
47 subsection shall not apply if: (A) The retailer has met the conditions of
48 subdivision (2) of this subsection; and (B) the retailer has received

49 permission by the commissioner to suspend implementation of the
50 electronic pricing system for a period not to exceed thirty days in order
51 to allow the retailer or an agent acting on behalf of the retailer to reset,
52 remodel, repair or otherwise modify such system at the retail
53 establishment.

54 (4) The provisions of subparagraph (A) of subdivision (1) of this
55 subsection shall not apply to consumer commodities that are being
56 offered for sale and that are located on an end cap display within such
57 retail sales area. For purposes of this subdivision, "end cap display"
58 means the location in the retail sales area that is located immediately at
59 the end of an aisle and where, customarily, consumer commodities are
60 displayed which are being offered for sale at a reduced price for a
61 limited period of time.

62 ~~[(4)]~~ (5) Consumer commodities that are advertised in a publicly-
63 circulated printed form as being offered for sale at a reduced price for
64 a minimum seven-day period need not be individually marked at such
65 reduced retail price, provided such consumer commodities are
66 individually marked with their regular retail price and a conspicuous
67 sign is adjacent to such consumer commodities, which sign discloses:
68 (A) The reduced retail price and its unit price; and (B) a statement that
69 the item will be electronically priced at the reduced price by the
70 cashier.

71 ~~[(5)]~~ (6) If a consumer commodity is offered for sale at a reduced
72 price, in accordance with subdivision ~~[(4)]~~ (5) of this subsection and its
73 electronic price is higher than the reduced price on the sign that is
74 adjacent to the consumer commodity, then one item of such consumer
75 commodity shall be given to the consumer upon demand at no cost. A
76 conspicuous sign shall adequately disclose to the consumer that in the
77 event the electronic price is higher than the reduced retail price, one
78 item of such consumer commodity shall be given to the customer upon
79 demand at no cost.

80 (c) (1) The Commissioner of Consumer Protection may adopt

81 regulations, in accordance with the provisions of chapter 54,
82 concerning the marking of prices and use of universal product coding
83 on each unit of a consumer commodity.

84 (2) The Commissioner of Consumer Protection may adopt
85 regulations, in accordance with the provisions of chapter 54,
86 designating not more than twelve consumer commodities that need
87 not be marked in accordance with subdivision (1) of subsection (b) of
88 this section and specifying the method of providing adequate
89 disclosure to consumers to insure that the electronic pricing of the
90 designated consumer commodities is accurate. The commissioner may
91 establish by regulation methods to protect consumers against
92 electronic pricing errors of such designated consumer commodities
93 and to insure that the electronic prices of such designated consumer
94 commodities are accurate. Among the methods that the commissioner
95 may consider are conditions similar to those set forth in subdivision
96 [(4)] (5) of subsection (b) of this section.

97 (d) The Commissioner of Consumer Protection, after providing
98 notice and conducting a hearing in accordance with the provisions of
99 chapter 54, may issue a warning citation or impose a civil penalty of
100 not more than one hundred dollars for the first offense and not more
101 than five hundred dollars for each subsequent offense on any person,
102 firm, partnership, association or corporation that violates any
103 provision of subsection (b) of this section or any regulation adopted
104 pursuant to subsection (c) of this section. Any person, firm,
105 partnership, association or corporation that violates any provision of
106 subsection (b) of this section or any regulation adopted pursuant to
107 subsection (c) of this section shall be fined not more than two hundred
108 dollars for the first offense nor more than one thousand dollars for
109 each subsequent offense. Each violation with respect to all units of a
110 particular consumer commodity on any single day shall be deemed a
111 single offense.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>from passage</i>	21a-79
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Statement of Purpose:

To exempt products sold on store end cap displays from the requirement that products have to be marked with their retail price.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]